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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,724	10/31/2001	Bradford H. Needham	PW 027 6906 P12724	3639

7590

10/06/2004

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EXAMINER

PERVEEN, REHANA

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,724

Applicant(s)

NEEDHAM, BRADFORD H.

Examiner

Rehana Perveen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-30 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, independent claim 1, between lines 6-8, recites a computer that provides a date and time reference **in which to relate** a digital recording apparatus's real-time clock. It is unclear what this phrase "in which to relate" means and provides indefinite language. Correction is therefore required to more clearly point out the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naruto et al, Patent No. 6,724,974, in view of Sharpe, Patent No. EP0565180A2.

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As to claims 1 and 2, Naruto et al teach a digital recording apparatus (digital camera 200, figure 1) having a real-time clock (real-time clock 23, figure 1) powered by a main battery of the digital recording apparatus (col. 3 lines 1-15), and a computer (personal computer 100, figure 1) that reads media recorded by the digital recording apparatus and provides a date and time reference (col. 2 lines 41-61).

However, Naruto et al do not expressly teach the real-time clock of the digital recording apparatus being reset when the battery is removed, and the computer provided time and date reference being related to the digital recording apparatus' real-time clock.

Sharpe teaches a real-time clock of a battery powered apparatus (radio-pager) being reset when the battery is removed, and a computer (system base station) provided time and date reference being related to the battery powered apparatus' real-time clock (page 1).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Naruto et al and Sharpe because both are commonly directed to time measurements in a communication system using real-time clocks of a computer and a peripheral connected thereto. One of ordinary skill in the art would have been motivated to provide such combination because Sharpe's resetting the real-time clock of the battery powered peripheral

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apparatus when the battery is removed and relating the computer provided time and date reference to the battery powered peripheral apparatus' real-time clock, when incorporated into Naruto et al's system, would have enabled the overall system to achieve improved integrity by allowing further accuracy of the real-time clock.

As to claim 3, Naruto et al teach the digital recording apparatus marks a recording with a current value of the real-time clock (col. 3 lines 18-36).

As to claim 4, Sharpe teaches a current value of a real-time clock is seconds since battery replacement (page 1).

As to claim 5, Naruto et al teach the computer records the real-time clock's reading and the computer's current date and time when the digital recording apparatus docks to the computer (col. 3 line 18 – col. 4 line 25).

As to claim 10, Sharpe teaches algorithms are used for performing date and time calculations (page 1).

As to claim 11, Naruto et al teach the real-time clock is capable of operating without an additional physical user interface (figure 1).

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As to claim 12, Naruto et al teach the real-time clock is capable of operating without a backup battery (figure 1).

Allowable Subject Matter

Claims 13-30 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance: the prior art of record, alone or in combination, does not teach the process steps of independent claims 13 and 22 as claimed, specifically, calculating a recording's date and time relative to a computer's stored clock reading and date and time reading from a previous docking, if the recording's clock value is greater than one-half of a real-time clock's range of a digital recording apparatus; otherwise, calculating the recording's date and time relative to the real-time clock's reading and the computer's current date and time reading; setting the real-time clock equal to one-half of the real-time clock's range if the real-time clock reading is less than one-half of the real-time clock's range; and saving the real-time clock's new value and the computer's current date and time as previous docking values.

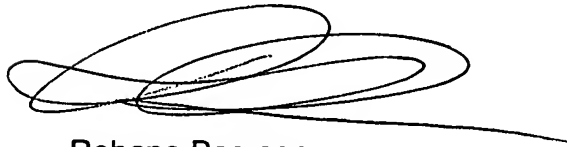
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Rehana Perveen
Primary Patent Examiner
Technology Center 2100